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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,043	12/11/2003	Valerie M. Bennett	RSW920030296US1	8736
43168 7590 12/04/2008 MARCIA L. DOUBET LAW FIRM PO BOX 422859 KISSIMMEE, FL 34742				
EXAMINER				
ABEL JALIL, NEVEEN				
ART UNIT		PAPER NUMBER		
2165				
NOTIFICATION DATE		DELIVERY MODE		
12/04/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mld@mindspring.com

Office Action Summary

Application No.

10/734,043

Applicant(s)

BENNETT ET AL.

Examiner

NEVEEN ABEL JALIL

Art Unit

2165

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Remarks

1. Applicant's After-Final remarks in the request for reconsideration filed on November 17, 2008 has been found to be persuasive therefore a new final rejection is presented herein. Claims 1 and 4 are now pending.
2. Applicant's amendment has overcome the previously presented specification objection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomson et al. (U.S. Patent No. 7,139,766 B 2) in view of Sathyanarayan (U.S. Patent No. 6,691,106 B1).

As to claim 1, Thomson et al. discloses a computer-implemented method of programmatically building queries, comprising:

programmatically building a query user interface for building a query command to query a content of a Web page that lacks an already-existing query user interface, further comprising (See column 17, lines 12-35, wherein recitation such as "for building" is intended use and should be replaced with "to build", and wherein "programmatically" is interpreted from hereon in a

inherent software operation of a computer program, wherein “lacks existing interface” implies no data is available until the report is generated according to user’s query definition):

using the programmatically-determined current context and at least one of the programmatically-determined content types to consult a lookup component, thereby obtaining at least two query parameter names for displaying on the programmatically-built query user interface (See column 7, lines 1-19, wherein “thereby” and “for displaying” are both intended use recitations and should be replaced with “which” and “to display”, and wherein “query parameter name” has no direct definitions in the specification and therefore is taken to be a column listing);

programmatically identifying, for each of the obtained query parameter names, at least one selectable query qualifier corresponding thereto, wherein each of the selectable query qualifiers indicates a particular comparison to be performed if subsequently qualifier usable in selected ones of the content values to that query parameter name (See column 17, lines 12-35, wherein “if” is conditional phrase and should be replaced with “when”);

programmatically identifying, for each of the obtained query parameter names, at least one selectable parameter value usable corresponding thereto (See column 17, lines 35-45, wherein a query condition is built);

programmatically building a plurality of query parameters by associating, with each of the obtained query parameter names, each of the at least one programmatically identified selectable query qualifiers corresponding thereto and each of the at least one programmatically-identified selectable parameter values corresponding thereto (See column 7, lines 1-19); and

displaying on the query user interface, for each of the programmatically-built query parameters, the obtained query parameter name, a first selector for selecting one of the at least one query qualifiers associated therewith and a second selector for selecting least one of the at least one parameter values associated therewith (See column 13, lines 20-25, wherein “for selecting” is interpreted as intended use and it is suggest that it is replaced with “to select”, and wherein “query parameter name” has no direct definitions in the specification and therefore is taken to be a column listing); and

accepting input from the user to build the query command to query the Web page, further comprising (See column 13, lines 28-35):

accepting, from the user for each of at of the displayed query parameter names, one of the associated query qualifiers selected by the user with the first selector and at least one of the associated parameter values selected by the user with the second selector; and programmatically building the query command to specify, for each of the displayed query parameter names, the selected query qualifier and each of the at least one selected parameter values (See column 26, lines 5-30, and wherein “query parameter name” has no direct definitions in the specification and therefore is taken to be a column listing).

Thomson et al. teaches the claimed invention but does not specifically teach:

programmatically determining a current context of a user of a device on which the Web page is rendered, the current context comprising *at least one of*:

an identification of the user;

a role of the user;

the device used by the user;

a geographical location of the user; and
preferences of the user;
programmatically determining a plurality of content values specified in the Web page.

Sathyanarayan teaches programmatically determining a current context of a user of a device on which the Web page is rendered (See Figure , and see column 7, lines 5-15), the current context comprising at least one of:

an identification of the user;
a role of the user;
the device used by the user;
a geographical location of the user; and
preferences of the user (See column 6, lines 2-9, and see column 7, lines 5-15);
programmatically determining a plurality of content values specified in the Web page
(See column 5, lines 4-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Thomson et al. by the teachings of Sathyanarayan to include programmatically determining user's device location for better and more accurate rendering of display results and ease of data customization.

As to claim 4, Thomson et al. as modified discloses further comprising:
programmatically identifying at least one query extension parameter for the query command, responsive to a request from the user using the programmatically-determined current context and at least one of the obtained query parameter names to consult a mapping, thereby

obtaining a related query parameter name (See Thomson et al. column 13, lines 20-25, and see Sathyanaraya column 9, lines 1-10);

programmatically identifying at least one selectable query qualifier corresponding to the obtained related query parameter name, wherein each of the selectable query qualifiers indicates a particular comparison to be performed if subsequently comparing selected ones of the content values to the obtained related query parameter name (See Thomson et al. column 13, lines 20-25, wherein “if” is conditional phrase and should be replaced with “when”, and see Sathyanarayan column 8, lines 21-36);

programmatically identifying at least one selectable parameter value corresponding to the obtained related query parameter name (See Thomson et al. column 18, lines 1-24, wherein “name” is in fact the source of the data); and

programmatically building the query extension parameter by associating, with the obtained related query parameter name, the programmatically-identified at least one selectable query qualifier corresponding thereto and each of the at least one programmatically-identified selectable parameter values corresponding thereto (See Thomson et al. column 6, lines 44-67); and

wherein the displaying further comprises also displaying the programmatically-built query extension parameter for each of the at least one programmatically-identified query extension parameters as additional ones of the programmatically-built query parameters (See Thomson et al. column 6, lines 44-67).

5. Applicant's arguments filed on both on June 4, 2008 and November 17, 2008 have been fully considered and although a new rejection has been presented some were not persuasive.

After considering applicant's remarks and reviewing the specification its unclear why the claimed "programmatically" will not fall under the plain meaning found in the art of nothing more than "processes automatically preformed by a computer". The Applicant failed to provide adequate reasoning why any of the computerized methods taught by Goldberg and Geller would not be able to offer an "programmed" interaction with the query building interface. Certainly a person of ordinary skill in the art would have found it to be obvious to create triggers, macros, or user defined scripts to perform otherwise user required functions see *KSR v. Teleflex*, 550 U.S.1____27 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007)

Thus the applicability of In re Venner is appropriate within the context of this application.

Applicant's claims still require the user's entry and selection of query filters as well as acceptance of the offered selection. Therefore analogous to the GUI provided by Goldberg.

Since its unclear what is meant directly by query parameter names argued in regards to claim 4, it is taken to be column options (i.e. part of the drop down menu) and therefore can be read on Thomson's table listings.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sharma et al. (U.S. Patent No. 7,162,470 B2) teaches device location based narrowing of category of search presented to a user.

For complete list of cited relevant art, see PTO-form 892.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neveen Abel-Jalil
Primary Examiner
November 30, 2008

/Neveen Abel-Jalil/

Primary Examiner, Art Unit 2165